

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
LIGHTBOX VENTURES, LLC,

Plaintiff,

-against-

3RD HOME LIMITED and WADE SHEALY,

Defendants.
----- X

16-cv-02379 (DLC)

**AFFIDAVIT OF
SUSAN SIMMS STEIN**

3RD HOME LIMITED and WADE SHEALY,

*Counterclaim Plaintiffs and
Third-Party Plaintiffs,*

-against-

ANDREW ELLNER,

Third-Party Defendant.
----- X

STATE OF NEW YORK)

) ss.

COUNTY OF NEW YORK)

Susan Simms Stein being duly sworn, deposes and says:

1. I make this affidavit in this litigation related to LightBox Ventures, L.L.C. (“LightBox”) and Andrew Ellner on the basis of my personal knowledge.

2. I am an attorney licensed to practice in the State of New York since 1985 although I am currently registered as retired from the practice of law. I have been a legal recruiter specializing in real estate and corporate law since 1999. Prior to that, I was a

real estate associate with the premier firms of Skadden, Arps, Slate Meager and Flom, and Botein, Hays and Sklar, LLC.

3. I received my B.S., magna cum laude, from the School of Management at The State University of New York in Buffalo in 1980 and my J.D., cum laude, from the Fordham School of Law in 1983.

4. I have been actively involved as a consultant for LightBox since before the execution of the business agreement that created the Joint Venture known as 3rd Home Real Estate (“3HRE”).

5. From early 2015 through the fall of 2016, I spent over 200 hours working on a variety of issues as a consultant for LightBox, including assisting in the researching and creating forms for listing agreements and referral agreements and other documentation and similarly helping to design the 3HRE website interfaces.

6. For example, I participated in several phone meetings with 3rd Home and its representatives, including a conference call training session for use of the fully-operational 3HRE website. The conference call was arranged and attended by 3rd Home and the technology company that had been paid to create the website, and was also attended by Andrew Ellner and Jill Ellner.

7. I devoted a significant amount of my professional time to Lightbox and the 3HRE joint venture project, which was time I would otherwise have spent on other matters.

8. I agreed to a special compensation agreement with LightBox for work related to 3HRE whereby I would receive 1/3 of all revenues received by LightBox in the joint venture for 2016 or be compensated at a rate of \$275 per hour, whichever was more.

9. At the time of 3HL's notice to terminate under 15(E), based on 200 hours of work at a rate of \$275, I am entitled to at least \$55,000.

Dated: New York, New York
February 24 2018

Susan Simms Ste

Sworn to before me this
24th day of February 2018

